

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CECIL WHITMON III**

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**No. 3:09-cr-00240-9**

**Judge Nixon**

**ORDER**


Pending before the Court are various pretrial motions filed by Defendant Cecil Whitmon III, including: Joint Motion to Designate Counts and/or Defendants for Trial on August 14, 2012 (Doc. No. 1186); Pro Se Motion Requesting a Speedy Trial and a Severance by Counts (Doc. No. 1343); Motion to Sever Defendant Cecil Whitmon III and Reassertion of Right to Speedy Trial (Doc. No. 1387); Second Motion to Reconsider Detention Order and Reopen Detention Hearing (Doc. No. 1406); Joint Motion to Exclude Inadmissible Hearsay Contained in Recorded Phone Calls (Doc. No. 1700); Motion to Exclude 404(b) Proof as to Defendant Whitmon (Doc. No. 1724); Motion to Review Anticipated Courtroom Security Measures (Doc. No. 1725); and Motion In Limine to Exclude Recordings of Certain Jail House Telephone Conversations (Doc. No. 1790). Additionally, Mr. Whitmon has joined the following motions which remain pending as to him: Motion to Prevent Jury from Knowing Defendants are in Custody, in Shackles, or Otherwise Not at Liberty (Doc. No. 1702); Motion to Prevent Introduction of Evidence that was Not Properly Disclosed by the Government Prior to Trial (Doc. No. 1703); Motion to Require that the Only Evidence Presented Come from the Witness Stand (Doc. No. 1705); Motion to Prohibit Presentation of Telephone Transcripts to the Jury (Doc. No. 1706); Motion to Late File Proposed Jury Instructions and Proposed Verdict Form (Doc. No. 1707); Motion to Prohibit Irrelevant and Prejudicial Proof (Doc. No. 1771); Joint Motion to Return Defendants (Doc. No.

1774); and Motion for Leave to Join and Adopt Joint Motion to Return Defendants (Doc. No. 1777).

The Court accepted Mr. Whitmon's Petition to Enter a Plea of Guilty (Doc. No. 1910) and sentenced Mr. Whitmon on February 4, 2013. Therefore, Mr. Whitmon's Motions (Doc. Nos. 1186; 1343; 1387; 1406; 1700; 1702-03; 1705-1707; 1724-25; 1771; 1774; 1777; 1790) are **TERMINATED** as **MOOT**.

It is so ORDERED.

Entered this the 12<sup>th</sup> day of February, 2013.

  
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JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT